

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Blanche M. Manning	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 CV 6666	DATE	February 22, 2008
CASE TITLE	<i>Central States v. Whatever, Inc.</i>		

DOCKET ENTRY TEXT

The plaintiffs' motion for entry of judgment by default [11-1] is denied. In addition, the court's order of default [10-1] is vacated as service upon the defendant was ineffective.

■ [For further details see text below.]

Docketing to mail notices.

00:00

STATEMENT

The plaintiffs have moved for entry of judgment by default against defendant Whatever, Inc. In support, they attached to their motion the summons allegedly served on the registered agent of Whatever, Inc., Mark Reiss. However, according to the return of service, the summons was served not on Mark Reiss, but on his wife, Kristi, at the couple's home.

Under Federal Rule of Civil Procedure 4(h), a domestic corporation may be served either under the methods provided by the laws of the state in which the district court sits, or by delivering a copy of the summons and complaint to an officer or authorized agent. Under Illinois law, a corporation may be served by delivering a copy of the process to an officer, registered agent, or other authorized agent, or by any other method authorized by law. *See* 735 Ill. Comp. Stat. 5/2-204. Service by leaving process at the abode of the defendant with someone who lives there other than the defendant is effective only if the defendant is an individual. *See* Fed. R. Civ. P. 4(e)(2) (service on individuals); 735 Ill. Comp. Stat. 5/2-203(a)(2) (service on individuals). The rules governing service on corporations do not provide for abode service. *See* Fed. R. Civ. P. 4(h)(1) (service on corporations); 735 Ill. Comp. Stat. 5/2-204 (service on corporations).

Accordingly, service on the wife of the registered agent of Whatever, Inc. was not effective. Therefore the motion for entry of judgment by default [11-1] is denied, and the court's order of default [10-1] is vacated. The parties shall report to court on Tuesday, March 18, 2008, at 11:00 a.m., to discuss the status of obtaining service upon defendant Whatever, Inc.

rs/cpb